

REMARKS / ARGUMENTS

This is intended as a full and complete response to the Final Office Action dated May 13, 2008, having a shortened statutory period for response extended one month to expire on September 13, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-10, 12, and 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by *Niemela et al.* ("Embedded middleware: State of the art" VTT Electronics, Technical Research Centre of Finland, ESPOO 1999; hereinafter "*Niemela*").

Applicants respectfully traverse the rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Niemela* does not disclose "each and every element as set forth in the claim". Regarding claim 1, the Examiner cites to the first, third and fourth paragraphs of page 43 of *Niemela* for teaching a plurality of devices each having device configuration means for creating or updating device configuration data that includes a description of the device and a representation of interconnection and interaction of the device with other ones of the plurality of devices. Respectfully, the cited portion of *Niemela* teaches no such thing.

The cited portion of *Niemela* generally describes OPC (OLE for Process Control). More specifically, the cited portion (and in particular paragraph 3)

describes that the OPC server code determines which devices and data each server has access to, and also describes the way in which data items are named and the details about how the OPC server physically accesses that data. In other words, this portion of *Niemela* describes how an OPC server accesses devices in a manufacturing environment. The Examiner, however, mistakenly reads this portion of *Niemela* to disclose attributes of *the manufacturing environment devices themselves*, as opposed to the OPC server that accesses the devices. When properly read, it should be clear that these portions of *Niemela* do not teach the recited plurality of devices each having configuration means for creating or updating device configuration data. On this basis alone, Applicants submit that the rejection is defective and should, therefore, be withdrawn.

Further, even assuming that the cited portions of *Niemela* could somehow be read to describe a plurality of devices each having device configuration means for creating or updating device configuration data, the rejection is still defective for other reasons. Specifically, "device configuration data" is specifically recited in claim 1 as including a description of the device and a representation of interconnection and interaction of the device with other ones of the plurality of devices. In other words, the device configuration data associated with each device describes that device's relationship with other devices. The only relationship described in the cited portions of *Niemela* is between a device and an OPC server. Nothing is disclosed that corresponds to data providing a representation of interconnection and interaction between the devices in the manufacturing environment of *Niemela*.

Further, *Niemela* does not disclose auto-discovery means for permitting a SCADA system to both self-configure itself relative to devices in an industrial equipment network, and to be updated relative to changes in the configuration of the industrial equipment, and associated devices or equipment therein, including discovering new or changed devices via communication of the device configuration data over said computer network. The Examiner argues that these limitations are disclosed by *Niemela* at page 24 and 27, last paragraph, and at page 43, third and fourth paragraphs.

As an initial matter, Applicants point out that these limitations refer to the "device configuration data" that was mischaracterized by the Examiner, as pointed out above. Accordingly, it follows that the Examiner's analysis here is rendered defective by virtue of the mischaracterization of "device configuration data". On this basis alone Applicants submit that the rejection is defective and should be withdrawn.

However, the rejection is defective for an entirely independent reason as well. Specifically, the teachings relating to "auto-detecting hardware" found on pages 24 and 27 have no apparent relationship to the description of OPC found on page 43 of *Niemela*. Nor has the Examiner even suggested a relationship, other than the fact that these descriptions are found in the same document. More specifically, nothing in the reference suggests that the auto-detecting hardware (from pages 24 and 27) is using any OPC-related data (from page 43) to perform the claimed auto-discovery, or even any kind of function for that matter. And certainly nothing in the casual reference to "auto-detecting hardware" suggests the use of "device configuration data" received from devices on a network, where the device configuration data describes both the sending device and its relationship to other devices in the network. Even assuming "auto-detecting hardware" suggests hardware capable of detecting another device connected to the hardware, that does not equate to receiving information that describes the detected device's interconnection and interaction with other devices.

Regarding claim 7, the reference does not teach "configuring said plurality of pieces of industrial equipment and/or devices using a configuration tool included in each of said plurality of pieces of industrial equipment and/or devices, the configuration tool creating or updating device configuration data including description of the piece of industrial equipment and/or device and representation of the interconnection and interaction thereof with other ones of said plurality of pieces of industrial equipment and/or devices".

Nor does the reference teach "programming each controller for controlling and identifying its associated piece of industrial equipment and or device, and for sending the device configuration data both to the other ones of said plurality of pieces of industrial equipment and/or devices, and to said SCADA system over

said data network".

For the teaching of these limitations, the Examiner again relies on pages 24, 27 and 43 of *Niemela*, i.e., the same portions of the reference relied upon for the rejection of claim 1. The mischaracterization of this disclosure of the reference and its misapplication to respective claim limitations was described above with respect to claim 1. Applicants submit that the same analysis applies here, as far as a correct understanding of "device configuration data". Therefore, for the reasons given above with respect to claim 1, applicants submit that the rejection with respect to claim 7 is also defective and should be withdrawn.

The remaining claims are dependent from either claim 1 or claim 7, and therefore are also believed to be allowable.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance, and allowance of the claims is respectfully requested. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, she is invited to call the undersigned attorney at the number listed below.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants